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10/822,772	04/13/2004	Sung-wook Park	1793.1236	3188

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EXAMINER

ALVESTEFFER, STEPHEN D

ART UNIT	PAPER NUMBER
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2175

NOTIFICATION DATE	DELIVERY MODE
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11/27/2009

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

usptomail@smiplaw.com

Office Action Summary	Application No. 10/822,772	Applicant(s) PARK ET AL.	
	Examiner Stephen Alvesteffer	Art Unit 2175	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 July 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 33,35 and 37-44 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 33,35 and 37-44 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>20090723</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

This Office Action is responsive to the Response filed July 23, 2009. No amendments were made to the claims. Claims 1-32, 34, and 36 were previously cancelled. Claims 33 and 35 are independent. Claims 33, 35, and 37-44 remain pending.

The Information Disclosure Statement (IDS) filed July 23, 2009 was considered by the examiner.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 33, 35, and 37-44 are rejected under 35 U.S.C. 102(e) as being anticipated by Yahata, United States Patent Application Publication 2006/0236218.

Regarding claim 33, Yahata teaches an information storage medium for use with a reproducing apparatus providing a visual display of interactive graphics, the information storage medium comprising:

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an audio-visual (AV) data stream (see Yahata paragraph [0072]; “*The AV Clip (XXX.M2TS) is a digital stream in MPEG-TS format (TS is Transport Stream) obtained by multiplexing a video stream, at least one audio stream, a presentation graphics stream, and an interactive graphics stream. The video stream represents motion pictures of the movie, the audio stream represents sound of the movie, the presentation graphics stream represents subtitles of the movie, and the interactive graphics stream represents dynamic reproduction control procedure directed to menus*”); and

a plurality of interactive graphics streams corresponding to the audio-visual data stream, which are used to control reproduction of the audio-visual data stream (see Yahata paragraph [0237], showing function of different player status registers, including language settings of menus);

wherein:

each of the plurality of interactive graphics streams corresponds to a different one of a plurality of languages, and can be reproduced by the reproducing apparatus with the audio-visual data stream (see Yahata paragraph [0237]; “*language setting for menu rendering PSR(19)-(63) Reserved*”);

one interactive graphics stream among the plurality of interactive graphics streams is selected by attribute information stored in a player status register in the reproducing apparatus (see Yahata paragraph [0237]; “*language setting for menu rendering PSR(19)-(63) Reserved*”); and

the selected interactive graphics stream is reproduced by the reproducing apparatus together with the audio-visual data stream (see Abstract; “*A BD-ROM has*

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recorded therein an AV Clip generated by multiplexing a video stream and a graphics stream. The graphics stream represents an interactive display to be overlayed with the video stream, and includes a sequence of three Button State groups. The interactive display includes a plurality of buttons, each of which changes from a normal state to a selected state, and from the selected state to an active state, according to a user operation”).

Regarding claim 35, Yahata teaches an apparatus to provide a visual display of interactive graphics by using an audio-visual (AV) data stream and one of a plurality of interactive graphics streams corresponding to the audio-visual data stream stored on an information storage medium, the apparatus comprising:

a processor to obtain attribute information from a player status register in the apparatus (see Yahata paragraph [0237], showing function of different player status registers, including language settings of menus); and

a decoder to select one interactive graphics stream corresponding to the obtained attribute information from among the plurality of interactive graphics streams from the information storage medium, and reproduce the selected interactive graphics stream together with the audio-visual data stream (see Yahata Abstract; “A BD-ROM has recorded therein an AV Clip generated by multiplexing a video stream and a graphics stream. The graphics stream represents an interactive display to be overlayed with the video stream, and includes a sequence of three Button State groups. The interactive display includes a plurality of buttons, each of which changes from a normal

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state to a selected state, and from the selected state to an active state, according to a user operation”);

wherein:

the plurality of interactive graphics streams are used to control reproduction of the audio-visual data stream (see Yahata Abstract); and

each of the plurality of interactive graphics streams corresponds to a different one of a plurality of languages and can be reproduced with the audio-visual data stream (see Yahata paragraph [0237]; *“language setting for menu rendering PSR(19)-(63) Reserved”*).

Regarding claim 37, Yahata teaches that the processor executes a program object comprised of navigation commands that is related to the audio-visual data stream to enable the selecting of the one interactive graphics stream (see Yahata paragraph [0006]; *“the present invention provides a recording medium having: a graphics stream; where: said graphics stream represents an interactive display to be overlayed with a motion picture made of a plurality of pictures, the interactive display including at least one graphical button material; said graphics stream includes a plurality of pieces of graphics data that are grouped under state sets; and the state sets respectively correspond to different states of the at least one button material and are disposed in a sequential order”*).

Regarding claim 38, Yahata teaches that the processor loads and executes an interactive graphics stream change program included in the one interactive graphics stream that is being reproduced and reads, and reproduces another interactive graphics

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stream selected according to new attribute information obtained by executing the interactive graphics stream change program (see Yahata paragraph [0066]; *“the remote controller 400 is used to receive an operation to change the state of the interactive display”*).

Regarding claim 39, Yahata teaches that the interactive graphics stream change program is a button command included in a button object (see Yahata Abstract; *“The graphics stream represents an interactive display to be overlayed with the video stream, and includes a sequence of three Button State groups. The interactive display includes a plurality of buttons, each of which changes from a normal state to a selected state, and from the selected state to an active state, according to a user operation”*).

Regarding claim 40, Yahata teaches that the attribute information comprises menu language information, viewer class information, sub-title language information, and audio language information (see table at Yahata paragraph [0237]).

Regarding claim 41, Yahata teaches that if the plurality of interactive graphics streams do not include an interactive graphics stream corresponding to the obtained attribute information, the reproducing apparatus stores a stream number of a predetermined interactive graphics stream of the plurality of interactive graphics streams in the player status register in the reproducing apparatus, and reproduces the predetermined interactive graphics stream together with the audio-visual data stream (see Yahata claim 3; *“when a button material to be in a selected state in an initial display of the interactive display by default is determined, graphics data constituting the*

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selected state of the button material to be in a selected state in the initial display is disposed first in the selected-state set”).

Regarding claim 42, Yahata teaches that if the plurality of interactive graphics streams do not include an interactive graphics stream corresponding to the obtained attribute information, the processor stores a stream number of a predetermined interactive graphics stream of the plurality of interactive graphics streams in the player status register in the apparatus, and the decoder reproduces the predetermined interactive graphics stream together with the audio-visual data stream (see Yahata claim 3; *“when a button material to be in a selected state in an initial display of the interactive display by default is determined, graphics data constituting the selected state of the button material to be in a selected state in the initial display is disposed first in the selected-state set”).*

Regarding claim 43, Yahata teaches that each of the plurality of interactive graphics streams comprises information required to provide a graphical interactive display and associated commands of the graphical interactive display (see Yahata paragraph [0072]; *“the interactive graphics stream represents dynamic reproduction control procedure directed to menus”).*

Regarding claim 44, Yahata teaches that each of the plurality of interactive graphics streams comprises information required to provide a graphical interactive display and associated commands of the graphical interactive display (see Yahata paragraph [0072]; *“the interactive graphics stream represents dynamic reproduction control procedure directed to menus”).*

Response to Arguments

Claims 33, 35, and 37-44 were previously rejected under 35 USC 102(a) in error. The rejections are properly resubmitted herein under 35 USC 102(e).

Applicant asserts that Yahata (US 2006/0236218) *supra* is not available as a reference against the claims of the present application under 35 USC 102(e). Examiner respectfully disagrees.

Examiner notes that the claims of the present application are rejected based on the priority date of a U.S. Patent Application Publication, not based on the priority date of a foreign application publication. Yahata is available as a 35 USC 102(e) reference because it is a published U.S. Patent Application, by others, having an effective filing date (June 30, 2003) prior to the effective filing date of the instant application (August 16, 2003). Whether or not the applicants of the Yahata U.S. Patent Application later filed an International Application claiming priority of the same U.S. provisional application has no bearing on the effective filing date of the U.S. Patent Application.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

- Taira et al. (US 6,009,234) Method of reproducing information

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- Hisatomi (US 6,112,011) Recording medium having video data stored therein which is capable of forcibly reproducing sub-picture in accordance with state of reproduction and system for the same

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen Alvesteffer whose telephone number is (571)270-1295. The examiner can normally be reached on Monday-Friday 9:30AM-6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Bashore can be reached on (571)272-4088. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Stephen Alvesteffer
Examiner
Art Unit 2175

/S. A./

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Examiner, Art Unit 2175

/Joshua D Campbell/

Primary Examiner, Art Unit 2178